

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHANE BEARD, et al.,

Plaintiffs,

v.

COUNTY OF STANISLAUS, et al.,

Defendants.

Case No. 1:21-cv-00841-DAD-SAB

ORDER ENTERING STIPULATION ON
DEPOSITION COMMUNICATIONS

(ECF No. 38)

This action was filed on May 24, 2021. (ECF No. 1.) On July 12, 2022, the parties filed a request to enter a stipulation pertaining to an agreement for cooperation in scheduling depositions. (ECF No. 38.) The stipulation reads as follows:

1. Whenever Defendants' or Plaintiffs' counsel receives an email from the opposing counsel or a member of the opposing counsel's staff which contains any content regarding the scheduling of a deposition, the recipient counsel or a member of his staff must respond within 48 hours (excluding "weekends") to the initial email and confirm a deposition date for each deponent that was proposed, and if unable to do so, provide an explanation as to why and offer other available dates for deposition after prompt attempts to communicate with the deponent to ascertain the deponent's availability; all responses to said e-mails must use "reply all."

2. In the case of a request to obtain mutually agreeable dates for the deposition of a named party all of the foregoing terms apply, and in addition the receiving counsel must immediately attempt contact with the party by telephone and email and confirm one of the dates proffered by the sending counsel, and/or in consultation amongst counsel and client determine not less than three dates

1 falling within fourteen (14) days of dates the sending counsel
2 proposed which receiving counsel and client can be available for
3 deposition and convey those dates to the sending counsel
4 immediately.

5 3. Regardless of whether the proposed deponent is a party
6 represented by one of the attorneys or not, the attorney to whom
7 requests have been made for the scheduling of depositions, if the
8 sought after deposition and deponent has not been fully agreed
9 upon and set within the 48 hour (excluding "weekends") time
10 period of the initial contact, shall continue to communicate clearly
11 and in good faith every 24 hours (excluding "weekends") on the
12 issues that are causing any delay in scheduling of the sought after
13 depositions until the requested depositions are set.

14 4. The term "weekends" refers to the period of time from 5 PM on
15 Friday to 9 AM the following Monday but is extended to 9 AM of
16 the following day if Monday is a national holiday.

17 (ECF No. 38 at 1-2.) The Court shall enter the stipulated agreement.

18 Accordingly, IT IS HEREBY ORDERED that the stipulation is ENTERED and the
19 parties shall abide by the terms of the stipulation as agreed.

20 IT IS SO ORDERED.

21 Dated: July 13, 2022

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24 UNITED STATES MAGISTRATE JUDGE
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